

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

QUICKIE, LLC,

Plaintiff,

07 Civ. 10331 (RMB) (DFE)

-against-

**NOTICE OF MOTION FOR ENTRY OF
JUDGMENT AND CONTRIBUTION
BAR ORDER**

GREENBERG TRAURIG, LLP, THELEN
REID BROWN RAYSMAN & STEINER LLP
(f/k/a THELEN, REID & PRIEST LLP) and
ROBERT E. KREBS,

ECF CASE

Defendants.

THELEN REID BROWN RAYSMAN &
STEINER LLP (f/k/a THELEN, REID &
PRIEST LLP) and ROBERT E. KREBS,

Third-Party Plaintiffs,

-against-

TODD SHARINN, ALAN FELL and
RICK, STEINER, FELL & BENOWITZ, LLP,

Third-Party Defendants.

PLEASE TAKE NOTICE THAT upon the annexed Motion and Declaration of Allan B. Diamond, plaintiff Quickie, LLC, defendants Thelen Reid Brown Raysman & Steiner LLP and Robert E. Krebs, and third-party defendants Rick, Steiner, Fell & Benowitz, LLP and Alan Fell, will move this Court before the Honorable Richard M. Berman for an Order approving their settlement and for entry of a judgment and contribution bar order upon which the settlement is expressly conditioned (the "Bar Order").

Dated: May 16, 2008
New York, New York

DIAMOND McCARTHY LLP

By: /s/ Stephen T. Loden
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To: All Counsel of Record

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

QUICKIE, LLC,

Plaintiff,

07 Civ. 10331 (RMB) (DFE)

-against-

GREENBERG TRAURIG, LLP, THELEN
REID BROWN RAYSMAN & STEINER LLP
(f/k/a THELEN, REID & PRIEST LLP) and
ROBERT E. KREBS,

Defendants.

**JOINT MOTION TO FILE
CONFIDENTIAL SETTLEMENT
AGREEMENT AND MUTUAL
RELEASES UNDER SEAL
FOR COURT APPROVAL AND
TO SUBMIT THE PAYMENT
TERMS *EX PARTE* FOR
IN CAMERA REVIEW**

ECF CASE

THELEN REID BROWN RAYSMAN &
STEINER LLP (f/k/a THELEN, REID &
PRIEST LLP) and ROBERT E. KREBS,

Third-Party Plaintiffs,

-against-

TODD SHARINN, ALAN FELL and
RICK, STEINER, FELL & BENOWITZ, LLP,

Third-Party Defendants.

Plaintiff Quickie, LLC ("Quickie"), defendants Thelen Reid Brown Raysman & Steiner LLP and Robert E. Krebs (collectively "Thelen") and third-party defendants Rick, Steiner, Fell & Benowitz, LLP and Alan Fell (collectively "Rick Steiner") (all collectively the "Settling Parties"), through their undersigned counsel, hereby request leave of the Court to file their Confidential Settlement Agreement and Mutual Releases (the "Agreement") under seal for Court Approval, and to submit the Agreement *ex parte* for *in camera* review in connection with their

anticipated filing of a motion in support of the entry of a judgment and contribution bar order upon which the Agreement is expressly conditioned.

The Settling Parties submit that the filing of the Agreement under seal is appropriate because the Agreement is the product of confidential settlement negotiations and contains various confidentiality provisions through which the Settling Parties have agreed to keep the product of their confidential settlement negotiations under seal. It is the intent of the Settling Parties, as expressed in the Agreement, that nothing in the Agreement be disclosed to any person or admitted as evidence or disclosed in this or any other proceeding except as may be required to enforce the terms of the Agreement or for the entry of a judgment and contribution bar order upon which the Agreement is expressly conditioned (the "Bar Order").

Additionally, as more fully detailed in the accompanying Declaration of Allan B. Diamond in Support of the Motion, the Settling Parties request permission to submit the Payment Terms, as defined in the Agreement, *ex parte* for *in camera* review because (1) there exists the possibility of future settlement discussions between Quickie and the non-settling defendant, Greenberg Traurig, LLP ("Greenberg"), and Quickie wishes not to be prejudiced in those negotiations by the disclosure of the Payment Terms to Greenberg; and (2) because Thelen wishes to keep the Payment Terms confidential.

Furthermore, as noted above, the Settling Parties have conditioned their settlement upon entry of a Bar Order precluding later cross-claims, third-party demands or independent causes of action by Greenberg against Thelen and/or Rick Steiner. In order to protect Greenberg's interests, the proposed Bar Order will provide Greenberg with a credit against any judgment in an amount corresponding to the greater of (1) the total settlement amount paid to Quickie by Thelen and Rick Steiner, or (2) the aggregate proportion of liability, if any, allocated to Thelen

and Rick Steiner by any final judgment in this action (the "Judgment Reduction"). Thelen and Rick Steiner have also agreed, as will be set forth in the proposed Bar Order, to waive any claims they might have against Greenberg that arise from the operative facts underlying this action.

The Settling Parties submit that Greenberg will be fully protected by the Judgment Reduction and mutual waiver of claims and that the *ex parte* submission to the Court of the Payment Terms is especially important here, where the revelation of such information may well prejudice Quickie in any future settlement discussions. Accordingly, the Settling Parties respectfully request that the Court grant their Motion to submit the Agreement under seal for Court Approval and to submit the Payment Terms *ex parte* for *in camera* review.

Dated: May 16, 2008
New York, New York

DIAMOND McCARTHY LLP

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